

EFS
Applicant: Erik Buntinx
Serial No.: 10/803,793
Filed: March 18, 2004
Reply filed October 8, 2010
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REMARKS

Claims 49, 50, 55, 72, 92 and 93 were pending in the subject application. By this amendment, Claims 49 and 72 have been canceled without prejudice or disclaimer, Claims 50, 55, 92 and 93 have been amended, and new Claims 94-108 have been added. Applicant maintains that the amendments do not raise an issue of new matter. Support for the amendments to Claims 50, 55, 92 and 93 can be found at least in the previous version of the claims. Support for new Claims 94-95 can be found at least in paragraph [0074] on page 19 of the application as originally filed. Support for new Claims 96-101 can be found at least in paragraph [0064] on page 16 of the application as originally filed. Support for new Claim 102 can be found at least in paragraph [0074] on page 19 and paragraph [0064] on page 16 of the application as originally filed. Support for new Claim 103 can be found at least in paragraph [0080] on page 20 and paragraph [0064] on page 16 of the application as originally filed. Support for new Claim 104 can be found at least in Example 3 on pages 31-32 of the application as originally filed. Support for new Claims 105-108 can be found at least in paragraph [0027] on page 7 and paragraphs [0073] and [0077] on page 19 of the application as originally filed. Entry of the amendments is respectfully requested.

Allowable Subject Matter

Claims 50, 55, 92 and 93 are allowed. All of new Claims 94-108 depend from one of the allowed claims.

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Rejections under 35 U.S.C. §103(a)

Claim 49 stands rejected as being unpatentable over Müller (Expert Opinion on Pharmacotherapy 3: 381-8, 2002) in view of Permax® prescribing information (2003), and Kuhajda (U.S. Patent No. 5,759,837).

Claim 72 stands rejected as being unpatentable over Müller in view of Nystrom et al. (US 5,635,213).

These rejections are moot in view of the cancellation of Claims 49 and 72.

Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references that are listed on the attached forms PTO/SB/08A. A copy of each non-U.S. patent document is also attached. This Information Disclosure Statement (IDS) is being filed to make of record in the present application Notice of Allowances, Office Actions and references cited by and submitted to the U.S. Patent Office in connection with U.S. patent family members.

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CONCLUSIONS

In view of the amendments made herein above, applicant respectfully requests that the Examiner reconsider and withdraw the rejections in the June 8, 2010 Office Action, and earnestly solicits allowance of the pending claims. If there are any minor matters preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

Authorization is hereby given to charge the \$405.00 fee for a Request for Continued Examination and the \$65.00 fee for a one month extension of time, and any required additional fee for a small entity to Deposit Account No. 01-1785.

Respectfully submitted,

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Dated: October 8, 2010
New York, New York

By /Alan D. Miller/
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